

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

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|------------------------------|---|-------------------------|
| NATHANIEL ROUSE, #276935, |) | C.A. No. 8:04-22281-TLW |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| STATE OF SOUTH CAROLINA, AND |) | |
| HENRY MCMASTER, ATTORNEY |) | |
| GENERAL FOR SOUTH CAROLINA, |) | |
| |) | |
| Respondents. |) | |
| |) | |
| |) | |
| |) | |

In this *pro se* case, the petitioner filed a petition for writ of habeas corpus on September 22, 2004. On November 18, 2004, the respondents filed a motion for summary judgement. By Order filed November 29, 2004, the petitioner was advised of the summary judgment procedure and the possible consequences if he failed to adequately respond. Thereafter, the Court granted on two (2) separate occasions the plaintiff's request for additional time to respond and directed that he respond to the motion by February 25, 2005. Despite Court Order, the petitioner has not responded to the motion for summary judgment.

On March 9, 2005, the Court filed another Order allowing the petitioner an additional twenty (20) days in which to file a response to the motion for summary judgment. Again, the petitioner elected not to respond to the motion.

This matter now comes before the undersigned for review of the April 29, 2005, Report and Recommendation ("the Report") filed by Magistrate Judge Bruce H. Hendricks.

In her Report, Magistrate Judge Hendricks recommends that the instant petition for habeas corpus be dismissed. As reasoned by the Magistrate Judge:

The petitioner was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The petitioner elected not to respond.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action.

No objections have been filed to this Report by any party.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the instant habeas corpus petition be dismissed.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

May 18, 2005
Florence, South Carolina

